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SPECIAL CRIMINAL APPLICATION No. 379 of 1996

STATEMENT OF RAISA @ MANJULA  
15/4/1996

Name Raisa @ Manjula  
Father's Name Asimbhai  
Age 22 Years  
Study Nil  
Occupation Household works.

My age is 22 years. I know petitioner - Maganbhai Zala. He is my husband. I have two children (sons) born out of my wedlock with Maganbhai Zala. The elder one is of 4 years age and the younger is 2 years old. They are with Maganbhai Zala. I want to take care of my children who are with my husband. Though I left my children, I now want to take care of my children and it is my duty to do all my best for my family. I do not want children to be taken to my parental house. Anyway, still I love my children.

Before us.

(K.J Vaidya, J.) (M.H Kadri, J.)  
SPECIAL CRIMINAL APPLICATION N..

AA

DATE OF DECISION : 15-04-1996



1996, we had issued notices to the concerned respondents Nos. 3, 4 & 5 directing them to produce Raisa @ Manjula before this Court on the returnable date. Accordingly, on 8th April, 1996, Raisa @ Manjula was brought before us and on that date, after hearing the parties, we had passed the following Order :-

"In response to our notice dated 3-4-1996, Raisa Manjula has been produced before us. While trying to find out as to where she intends to return, she has of course stated that she wants to stay with her parents, and when the question was asked as to what about the children born of her, she said that she does not want to take any responsibility. It is very difficult to understand the precarious condition of two children. Under the circumstances, with a view to see that she totally disabuses her mind and the difference between the husband and wife is sorted out and just coolly ponder over the issue regarding future course of action, we direct her to stay at Nari Vikas Gruh, Paldi, Ahmedabad for few days so that she can think over the issue and finally inform this Court what she ultimately intends to do.

In this view of the matter, we request Superintendent, Nari Vikas Gruh, Paldi, Ahmedabad to accommodate Raisa @ Manjulaben in their institution upto 15-4-1996, and on which day at 2-45 p.m she shall be produced before this Court. The officers of Nari Vikas Gruh are hereby directed to see that nobody directly or indirectly on telephone or otherwise try to influence Raisa while she is in their custody. S.O to 15-4-1996."

3. Today Raisa has appeared before us. We have recorded her statement. We have heard the learned counsels appearing for the respective parties and also Shabanaben. From the statement recorded, it is very clear that her (Raisa's) two minor children are with Maganbhai Zala. She also in an unmistakable terms has stated before us that she is quite worried about the well-being of her minor children and she is interested in nursing up them. Though she has, in one breath stated that she is interested in the well-being of the children, quite surprisingly for whatever reasons, she does not want to take her children at her parental house nor she is prepared to return to her matrimonial home !!

4. Now, having regard to the facts and circumstances of the case, there appears to be some minor differences between the husband and wife. Such differences are quite usual in life, practically, between every husband and wife !! In this

view of the matter, minor differences between husband and wife cannot be permitted to be magnified in such a way which may ultimately become obstacle in reviving relations, which can ultimately take heavy toll of well-being of the children. What is important for every husband and wife to bear in mind is not to give importance to their personal differences but to take care of the ultimate well-being of the children. Differences are bound to be there between any two human beings, even between husband and wife but these differences cannot be permitted to persist at the cost of children. We under the circumstances had made some efforts to persuade her to return to her matrimonial home atleast for the sake of her children. Even the petitioner had promised to take all possible care to respect, please and satisfy her. Under the circumstances, it appears to us that having regard to the facts and circumstances of the case, Raisa must go to with the petitioner so that future of their children is taken due care of. When we expressed this view, Raisa did not seriously objected to this and appears to have agreed to go with the petitioner.

In the result, this petition is allowed. Rule made absolute.

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Prakash\*